

2005 DRAFTING REQUEST

Bill

Received: **01/04/2006**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **David Hansen (608) 266-5670**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - misc
Occupational Reg. - prof lic**

Extra Copies: **CTS**

Submit via email: **YES**

Requester's email: **Sen.Hansen@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Accepting items of value from pharmaceutical companies

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 01/19/2006	jdye 02/10/2006					
/P1	phurley 03/30/2006	jdye 03/30/2006	rschluet 02/10/2006		Inorthro 02/10/2006		
/1			jfrantze 03/30/2006		Inorthro 03/30/2006	bkraft 04/11/2006	

FE Sent For:

<END>

→ Not
Needed

2005 DRAFTING REQUEST

Bill

Received: **01/04/2006**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **David Hansen (608) 266-5670**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - misc
Occupational Reg. - prof lic**

Extra Copies: **CTS**

Submit via email: **YES**

Requester's email: **Sen.Hansen@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Accepting items of value from pharmaceutical companies

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 01/19/2006	jdyer 02/10/2006		_____ _____			
/P1	phurley 03/30/2006	jdyer 03/30/2006	rschluet 02/10/2006	_____ _____	Inorthro 02/10/2006		
/1			jfrantze 03/30/2006	_____ _____	Inorthro 03/30/2006		

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: **01/04/2006**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **David Hansen (608) 266-5670**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - misc
Occupational Reg. - prof lic**

Extra Copies: **CTS**

Submit via email: **YES**

Requester's email: **Sen.Hansen@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Accepting items of value from pharmaceutical companies

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 01/19/2006	jdye 02/10/2006					
/P1		1 3/30 jw	rschluet 02/10/2006		Inorthro 02/10/2006		

FE Sent For:

 
<END>

2005 DRAFTING REQUEST

Bill

Received: **01/04/2006**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **David Hansen (608) 266-5670**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - misc**
Occupational Reg. - prof lic

Extra Copies: **CTS**

Submit via email: **YES**

Requester's email: **Sen.Hansen@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Accepting items of value from pharmaceutical companies

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?

phurley

PI 2/10jd

2106 JK

FE Sent For:

<END>

WED 2/15

2005 - 2006 LEGISLATURE

LRB-4326/3

PJH:.....

jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1-22-05

Gen

1 AN ACT ...; relating to: prohibiting health care providers from accepting items
2 of value from a representative of a pharmaceutical company.✓

Analysis by the Legislative Reference Bureau

* This bill prohibits health care providers, including nurses, ✓chiropractors, ✓
dentists and dental hygienists, ✓physicals, ✓physical therapists, ✓podiatrists, ✓dietitians,
athletic trainers, ✓occupational therapists, ✓optometrists, and ✓psychologists from
accepting anything of value from drug manufacturers or distributors. Under the bill,
a health care provider may accept an informative presentation, written or electronic
information about a product, or a product sample.✓

A health care provider who accepts something of value without paying the
actual value for the item, service, accommodation, or entertainment may be subject
to disciplinary action from the examining board for his or her profession.✓

*The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:*

3 SECTION 1. 441.07 (1) (d) of the statutes is amended to read:
4 441.07 (1) (d) Misconduct or unprofessional conduct. Unprofessional conduct
5 includes accepting, without paying the actual value of, any item, service,
6 accommodation, or entertainment of value from a drug manufacturer or distributor

1 except that it does not include accepting an informative presentation, written or
2 electronic information about a product, or a product sample from a drug
3 manufacturer or distributor.✓

History: 1977 c. 418; 1979 c. 317, 337; 1981 c. 162; 1983 a. 273 ss. 8; 1985 a. 29, 340; 1987 a. 264; 1993 a. 138; 1995 a. 309; 1997 a. 237; 1999 a. 22.

4 **SECTION 2.** 446.04 (4m) of the statutes is created to read:

5 446.04 (4m) ✓ Accepting, without paying the actual value of, any item, service,
6 accommodation, or entertainment of value from a drug manufacturer or distributor
7 except that ^{the} licensee or registrant may accept an informative presentation, written
8 or electronic information about a product, or a product sample from a drug
9 manufacturer or distributor.

10 **SECTION 3.** 447.07 (3) (a) ✓ of the statutes is amended to read:

11 447.07 (3) (a) Engaged in unprofessional conduct. Unprofessional conduct
12 includes accepting, without paying the actual value of, any item, service,
13 accommodation, or entertainment of value from a drug manufacturer or distributor
14 except that it does not include accepting an informative presentation, written or
15 electronic information about a product, or a product sample from a drug
16 manufacturer or distributor.✓

History: 1975 c. 94 s. 91 (12); 1977 c. 29; 1977 c. 418; 1979 c. 162; 1981 c. 65, 380; 1981 c. 391 ss. 169, 211; 1983 a. 289; 1985 a. 29, 146; 1987 a. 316; 1989 a. 349; 1995 a. 448; 1997 a. 96, 97, 237.

17 **SECTION 4.** 448.015 (4) of the statutes is amended to read:

18 448.015 (4) "Unprofessional conduct" means those acts or attempted acts of
19 commission or omission defined as unprofessional conduct by the board under the
20 authority delegated to the board by s. 15.08 (5) (b) and any act by a physician or
21 physician assistant in violation of ch. 450 or 961. ^{cc} Unprofessional conduct ^{ss} includes
22 accepting, without paying the actual value of, any item, service, accommodation, or
23 entertainment of value from a drug manufacturer or distributor except that it does

1 not include accepting an informative presentation, written or electronic information
2 about a product, or a product sample from a drug manufacturer or distributor.

History: 1997 a. 175 ss. 16, 23, 24, 25, 27; 1999 a. 32; 2001 a. 89, 105.

3 **SECTION 5.** 448.57 (2) (f) of the statutes is amended to read:

4 448.57 (2) (f) Engaged in unprofessional or unethical conduct in violation of the
5 code of ethics established in the rules promulgated under s. 448.527. ^{plain} Unprofessional
6 conduct includes accepting, without paying the actual value of, any item, service,
7 accommodation, or entertainment of value from a drug manufacturer or distributor
8 except that it does not include accepting an informative presentation, written or
9 electronic information about a product, or a product sample from a drug
10 manufacturer or distributor.

History: 1993 a. 107; 2001 a. 70.

11 **SECTION 6.** 448.60 (5) of the statutes is amended to read:

12 448.60 (5) "Unprofessional conduct" means an act or attempted act of
13 commission or omission, as defined by the affiliated credentialing board by rule
14 under s. 448.695 (1), or an act by a podiatrist in violation of ch. 450 or 961.
15 "Unprofessional conduct" includes accepting, without paying the actual value of, any
16 item, service, accommodation, or entertainment of value from a drug manufacturer
17 or distributor except that it does not include accepting an informative presentation,
18 written or electronic information about a product, or a product sample from a drug
19 manufacturer or distributor.

History: 1997 a. 175 ss. 21, 22, 69.

20 **SECTION 7.** 448.87 (2) (f) of the statutes is amended to read:

21 448.87 (2) (f) Engaged in unprofessional or unethical conduct in violation of the
22 code of ethics established in the rules promulgated under s. 448.74 (2).
23 Unprofessional conduct includes accepting, without paying the actual value of, any
24 item, service, accommodation, or entertainment of value from a drug manufacturer

1 or distributor except that it does not include accepting an informative presentation,
2 written or electronic information about a product, or a product sample from a drug
3 manufacturer or distributor.

History: 1993 a. 443; 1999 a 180 s. 55.

4 **SECTION 8.** 448.957 (2) (f) of the statutes is amended to read:

5 448.957 (2) (f) Engaged in unprofessional or unethical conduct. Unprofessional
6 conduct includes accepting, without paying the actual value of, any item, service,
7 accommodation, or entertainment of value from a drug manufacturer or distributor
8 except that it does not include accepting an informative presentation, written or
9 electronic information about a product, or a product sample from a drug
10 manufacturer or distributor.

11 **SECTION 9.** 448.968 (2) (f) of the statutes is amended to read:

12 448.968 (2) (f) Engaged in unprofessional or unethical conduct in violation of
13 the code of ethics established in the rules promulgated under s. 448.965 (1) (c).
14 Unprofessional conduct includes accepting, without paying the actual value of, any
15 item, service, accommodation, or entertainment of value from a drug manufacturer
16 or distributor except that it does not include accepting an informative presentation,
17 written or electronic information about a product, or a product sample from a drug
18 manufacturer or distributor.

History: 1999 a. 9.

19 **SECTION 10.** 449.08 (1) (f) of the statutes is created to read:

20 449.08 (1) (f) Accepting, without paying the actual value of, any item, service,
21 accommodation, or entertainment of value from a drug manufacturer or distributor
22 except that a licensee or registrant may accept an informative presentation, written
23 or electronic information about a product, or a product sample from a drug
24 manufacturer or distributor.

1 **SECTION 11.** 455.09 (1) (g)^X of the statutes is amended to read:
2 455.09 (1) (g) Violates this chapter or any rule of professional conduct
3 promulgated under this chapter. Unprofessional conduct includes accepting,
4 without paying the actual value of, any item, service, accommodation, or
5 entertainment of value from a drug manufacturer or distributor except that it does
6 not include accepting an informative presentation, written or electronic information
7 about a product, or a product sample from a drug manufacturer or distributor.

8 **History:** 1977 c. 125, 418; 1979 c. 162 s. 38 (7); 1981 c. 79 s. 17; 1981 c. 334 s. 25 (1); 1989 a. 243; 1991 a. 39; 1995 a. 188; 1997 a. 237.

(END)

d-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

PI
LRB-4326/7dn

PJH:.....
jld

Please review this draft carefully to ensure that it is consistent with your intent. I tried to make the bill as comprehensive as possible, but I did not extend the restrictions to acupuncturists, therapists, counselors, or social workers, pharmacists, or hearing and speech examiners. Please let me know if want any of these professions included in the bill.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4326/P1dn
PJH:jld:rs

February 10, 2006

Please review this draft carefully to ensure that it is consistent with your intent. I tried to make the bill as comprehensive as possible, but I did not extend the restrictions to acupuncturists, therapists, counselors, or social workers, pharmacists, or hearing and speech examiners. Please let me know if want any of these professions included in the bill.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

Hurley, Peggy

From: Genrich, Eric
Sent: Monday, February 13, 2006 8:35 AM
To: Hurley, Peggy
Subject: LRB-4326/P1

Hi Peggy,

We received a copy of the draft we requested relating to gifts to health care providers. After thinking about it, we believe it would be appropriate to limit the bill to those medical professionals who have the statutory ability to prescribe medications. Will that category be easy enough to zero in on?

Thanks.

-Eric

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In
3-30-06
Due by FR!
3-31-06

Regen

✓
certain

1 AN ACT *to amend* 441.07 (1) (d), 447.07 (3) (a), 448.015 (4), 448.57 (2) (f), 448.60
2 (5), 448.87 (2) (f), 448.957 (2) (f), 448.968 (2) (f) and 455.09 (1) (g); and *to create*
3 446.04 (4m) and 449.08 (1) (f) of the statutes; **relating to:** prohibiting health
4 care providers from accepting items of value from a representative of a
5 pharmaceutical company.

Analysis by the Legislative Reference Bureau

This bill prohibits health care providers, including nurses, chiropractors, dentists and dental hygienists, physicians, physical therapists, podiatrists, dietitians, athletic trainers, occupational therapists, optometrists, and psychologists from accepting anything of value from drug manufacturers or distributors. Under the bill, a health care provider may accept an informative presentation, written or electronic information about a product, or a product sample.

A health care provider who accepts something of value without paying the actual value for the item, service, accommodation, or entertainment may be subject to disciplinary action from the examining board for his or her profession.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

STET → SECTION 1. 441.07 (1) (d) of the statutes is amended to read:

who are
authorized to
prescribe
drugs or
devices

scored; no striking
If the person holds a
certificate to issue prescription orders, unprofessional

1 441.07 (1) (d) Misconduct or unprofessional conduct. Unprofessional conduct
2 includes accepting, without paying the actual value of, any item, service,
3 accommodation, or entertainment of value from a drug manufacturer or distributor
4 except that it does not include accepting an informative presentation, written or
5 electronic information about a product, or a product sample from a drug
6 manufacturer or distributor.

7 SECTION 2. 446.04 (4m) of the statutes is created to read:

8 446.04 (4m) Accepting, without paying the actual value of, any item, service,
9 accommodation, or entertainment of value from a drug manufacturer or distributor
10 except that the licensee or registrant may accept an informative presentation,
11 written or electronic information about a product, or a product sample from a drug
12 manufacturer or distributor.

13 SECTION 3. 447.07 (3) (a) of the statutes is amended to read:

14 447.07 (3) (a) Engaged in unprofessional conduct. Unprofessional conduct
15 includes accepting, without paying the actual value of, any item, service,
16 accommodation, or entertainment of value from a drug manufacturer or distributor
17 except that it does not include accepting an informative presentation, written or
18 electronic information about a product, or a product sample from a drug
19 manufacturer or distributor.

for a dentist,
Unprofessional

20 SECTION 4. 448.015 (4) of the statutes is amended to read:

21 448.015 (4) "Unprofessional conduct" means those acts or attempted acts of
22 commission or omission defined as unprofessional conduct by the board under the
23 authority delegated to the board by s. 15.08 (5) (b) and any act by a physician or
24 physician assistant in violation of ch. 450 or 961. "Unprofessional conduct" includes
25 accepting, without paying the actual value of, any item, service, accommodation, or

1 entertainment of value from a drug manufacturer or distributor except that it does
2 not include accepting an informative presentation, written or electronic information
3 about a product, or a product sample from a drug manufacturer or distributor.

4 **SECTION 5.** 448.57 (2) (f) of the statutes is amended to read:

5 448.57 (2) (f) Engaged in unprofessional or unethical conduct in violation of the
6 code of ethics established in the rules promulgated under s. 448.527. Unprofessional
7 conduct includes accepting, without paying the actual value of, any item, service,
8 accommodation, or entertainment of value from a drug manufacturer or distributor
9 except that it does not include accepting an informative presentation, written or
10 electronic information about a product, or a product sample from a drug
11 manufacturer or distributor.

12 **SECTION 6.** 448.60 (5) of the statutes is amended to read:

13 448.60 (5) “Unprofessional conduct” means an act or attempted act of
14 commission or omission, as defined by the affiliated credentialing board by rule
15 under s. 448.695 (1), or an act by a podiatrist in violation of ch. 450 or 961.
16 “Unprofessional conduct” includes accepting, without paying the actual value of, any
17 item, service, accommodation, or entertainment of value from a drug manufacturer
18 or distributor except that it does not include accepting an informative presentation,
19 written or electronic information about a product, or a product sample from a drug
20 manufacturer or distributor.

21 **SECTION 7.** 448.87 (2) (f) of the statutes is amended to read:

22 448.87 (2) (f) Engaged in unprofessional or unethical conduct in violation of the
23 code of ethics established in the rules promulgated under s. 448.74 (2).
24 Unprofessional conduct includes accepting, without paying the actual value of, any
25 item, service, accommodation, or entertainment of value from a drug manufacturer

1 or distributor except that it does not include accepting an informative presentation,
2 written or electronic information about a product, or a product sample from a drug
3 manufacturer or distributor.

4 **SECTION 8.** 448.957 (2) (f) of the statutes is amended to read:

5 448.957 (2) (f) Engaged in unprofessional or unethical conduct. Unprofessional
6 conduct includes accepting, without paying the actual value of, any item, service,
7 accommodation, or entertainment of value from a drug manufacturer or distributor
8 except that it does not include accepting an informative presentation, written or
9 electronic information about a product, or a product sample from a drug
10 manufacturer or distributor.

11 **SECTION 9.** 448.968 (2) (f) of the statutes is amended to read:

12 448.968 (2) (f) Engaged in unprofessional or unethical conduct in violation of
13 the code of ethics established in the rules promulgated under s. 448.965 (1) (c).
14 Unprofessional conduct includes accepting, without paying the actual value of, any
15 item, service, accommodation, or entertainment of value from a drug manufacturer
16 or distributor except that it does not include accepting an informative presentation,
17 written or electronic information about a product, or a product sample from a drug
18 manufacturer or distributor.

19 **SECTION 10.** 449.08 (1) (f) of the statutes is created to read:

20 449.08 (1) (f) Accepting, without paying the actual value of, any item, service,
21 accommodation, or entertainment of value from a drug manufacturer or distributor
22 except that a licensee or registrant may accept an informative presentation, written
23 or electronic information about a product, or a product sample from a drug
24 manufacturer or distributor.

25 **SECTION 11.** 455.09 (1) (g) of the statutes is amended to read:

455.09 (1) (g) Violates this chapter or any rule of professional conduct promulgated under this chapter. Unprofessional conduct includes accepting, without paying the actual value of, any item, service, accommodation, or entertainment of value from a drug manufacturer or distributor except that it does not include accepting an informative presentation, written or electronic information about a product, or a product sample from a drug manufacturer or distributor.

(END)

Kraft, Becky

From: Genrich, Eric
Sent: Tuesday, April 11, 2006 11:04 AM
To: LRB.Legal
Subject: Draft Review: LRB 05-4326/1 Topic: Accepting items of value from pharmaceutical companies

Please Jacket LRB 05-4326/1 for the SENATE.